

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

Jodi S. Adkins,

Debtor.

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Case No. 21-52632

Chapter 7

Judge Nami Khorrami

Jodi S. Adkins,

Plaintiff,

v.

US Department of Education,

Defendant.

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Adv. Pro. No. 21-2062

JOINT MOTION TO CONTINUE TRIAL AND STAY CASE

Plaintiff Jodi S. Adkins and Defendant United States Department of Education (collectively, the “Parties”), by and through counsel, hereby jointly move for entry of an order continuing the trial currently scheduled for November 21, 2022 at 10:00 a.m. and staying this case until March 31, 2023. In support of this Motion, the Parties state as follows:

1. The Parties are involved in meaningful settlement negotiations that may resolve the adversary proceeding now pending before the Court. It appears that Plaintiff is eligible to have her student loans discharged through an administrative process currently being offered from the Biden Administration, in an amount that exceeds the balance due on Plaintiff’s student loans. The Parties would like additional time to see if the matter can be resolved without the need for a trial.

2. The Parties request that the trial scheduled be continued and that this matter be stayed until March 31, 2023 as the applications for the program are still not yet available.

3. Additionally, the Parties request that all pre-trial compliance deadlines be continued and that a status conference be set in April for if the Parties are unable to get this matter completely resolved.

4. Courts have “broad discretion” to stay proceedings in matters before them. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936).

5. This is a joint request for a continuance, and no party will be prejudiced by this request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 5, 2022, service of the foregoing was made by electronic filing with the Clerk of the United States Bankruptcy Court, using the CM/ECF system, which will send notification of such filing to the parties listed below:

Melissa Baker Linville, Attorney for Plaintiff

John C. Cannizzaro, Attorney for Plaintiff

/s/ Bethany J. Hamilton
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